

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADAM POTTER

Plaintiff,

- against -

BEACON INTERCONTINENTAL GROUP, INC.,
and BUSINESS INSURANCE HOLDINGS,
INC.,

Defendants.

20-cv-4599 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached letter through e-mail. The plaintiff may file an amended complaint on or before August 18, 2020. The defendants may file a motion or answer on or before September 4, 2020.

If there is a motion to dismiss, the response is due on or before September 21, 2020 and the reply is due on or before October 2. If there is no motion to dismiss, the parties should submit a Rule 26(f) report on or before September 18, 2020.

SO ORDERED.

Dated: New York, New York
August 14, 2020

/s/ John G. Koeltl
John G. Koeltl
United States District Judge



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August 14, 2020

VIA EMAIL (Koeltl@NYSDChambers@nysd.uscourts.gov)

Honorable John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Potter v. Beacon Intercontinental Group, Inc., et al., Case No. 1:20-cv-04599 (JGK)

Dear Judge Koeltl:

We represent Plaintiff Adam Potter (“Potter”) in the above-captioned action.

On July 7, 2020, Your Honor held a telephonic conference (“Conference”) with the parties in response to a request by Defendants for a pre-motion conference to discuss their intent to move to dismiss Potter’s complaint (“Complaint”) under Rule 12(b)(6). During the Conference, Your Honor asked if Potter intended to amend the Complaint to moot any arguments raised by Defendants. We said we did not intend to amend the Complaint based on the request. Your Honor then directed Defendants to file their motion to dismiss on or before July 28, 2020 and advised Potter to write to the Court if, after reviewing the Motion, he wanted an opportunity to amend the Complaint.¹

Defendants have filed the Motion. (ECF No. 15). Per Your Honor’s instruction, Potter now writes to notify Your Honor that he intends to exercise his right under Rule 15(a)(1)(B) to amend the

¹ Your Honor also emphasized that while it would be permissible under the Rules for Potter to move to amend the Complaint after the Motion is fully briefed it would preserve resources if Potter notified the Court of his decision to amend his Complaint at an earlier juncture.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



Honorable John G. Koeltl
August 14, 2020
Page 2

Complaint to moot one or more arguments made by Defendants in the Motion. Potter will file his amended Complaint on or before August 18, 2020, which is within 21 days from when Defendants filed the Motion.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Wait', written over a horizontal line.

John A. Wait

cc: Daniel C. Harkins, attorney for Defendants (by email)
Christopher Oprison, attorney for Defendants (by email)
Nathan Buchter, attorney for Plaintiff (pending pro hac vice admission) (by email)
Robert Tintner attorney for Plaintiff (pending pro hac vice admission) (by email)